Amendments to the Drawings

      The attached replacement sheet of drawings includes changes to FIG. 1 and is labeled "REPLACEMENT SHEET". The replacement sheet, which includes FIG. 1, replaces the original sheet including FIG. 1. In FIG. 1, previously omitted written descriptions have been added.

Attachment: Replacement Sheet including FIG. 1 labeled "REPLACEMENT SHEET"

REMARKS

Claims 1-32 are pending. Claims 1-32 stand rejected.

The Examiner objects to the drawings because the drawings fail to show necessary textual labels of features or symbols in FIG.1 as described in the specification. Although Applicants disagree with the underlying basis for such an objection, Applicants have amended FIG. 1 to include the requested written descriptions. The replacement sheet of drawings that includes FIG. 1 has been labeled "REPLACEMENT SHEET" and is enclosed herewith. It is respectfully requested that the objection be withdrawn with respect to the drawings.

Claims 1-10 and 12-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,687,758 B2 to Peter K. Craft et al. ("Craft") in view of U.S. Patent No. 6,941,377 B1 to Nimrod Diamant et al. ("Diamant"). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

Claim 1 recites "a transport layer/network layer processing stack; and an intermediate driver coupled to the transport layer/network layer processing stack via a first miniport and a second miniport, wherein the first miniport supports teaming, and wherein the second miniport is dedicated to a system that can offload traffic from the transport layer/network layer processing stack".

According to the Office Action at page 10, the Examiner's *prima facie* case of obviousness is based on the "transport layer/network layer processing stack" as set forth in claim 1 corresponding to "TCP/IP 60" as set forth in FIG. 1 of Craft; the "intermediate driver" as set forth in claim 1 corresponding to "port aggregation driver 66" as set forth in FIG. 1 of Craft; and the "first miniport" as set forth in claim 1 corresponding to "INIC device driver 64" as set forth in FIG. 1 of Craft.

However, claim 1 states that the intermediate driver (alleged to be port aggregation driver 66) is coupled to the transport layer/network layer processing stack (alleged to be TCP/IP 60) **VIA** a first miniport (alleged to be INIC device driver 64) and a second miniport. It is clear from FIG. 1 of

Craft that the port aggregation driver 66 is **NOT** coupled to TCP/IP 60 **VIA** INIC device driver 64.

According to the Office Action at page 10, Diamant makes up for the teaching deficiencies of Craft. The Examiner's *prima facie* case of obviousness is further based on the "transport layer/network layer processing stack" as set forth in claim 1 corresponding to the "Protocol Stack 100" as set forth in FIGS. 1-3 of Diamant; the "intermediate driver" as set forth in claim 1 corresponding to Intermediary 102 as set forth in FIGS. 1-3 of Diamant; and the "second miniport" as set forth in claim 1 corresponding to NIC Drivers 104, 106, 108 as set forth in FIGS. 1-3 of Diamant.

However, claim 1 states that the intermediate driver (alleged to be Intermediary 102) is coupled to the transport layer/network layer processing stack (alleged to be Protocol Stack 100) **VIA** a first miniport and a second miniport (alleged to be NIC Drivers 104, 106, 108). It is clear from FIGS. 1-3 of Diamant that the Intermediary 102 is **NOT** coupled to Protocol Stack 100 **VIA** NIC Drivers 104, 106, 108.

For at least the above reasons, the Examiner has failed to present a *prima facie* case of obviousness.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-10 and 12-20).

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being obvious over Craft in view of Diamant, and still further in view of a document entitled "Winsock Direct and Protocol Offload on SANs" to Microsoft Corporation ("Microsoft"). Applicants respectfully traverse the rejection for at least the reasons as set forth below.

In view of at least the deficiencies in the Examiner's *prima facie* case of obviousness based on Craft in view of Diamant with respect to claim 1, the Examiner has similarly failed to present a prima facie case of obviousness based on, in part, Craft in view of Diamant, with respect to claim 11.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be

withdrawn with respect to claim 11.

Claims 21, 22, 24 and 26-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Craft. Applicants respectfully traverse the rejection for at least the reasons as set forth below.

In order to expedite prosecution of the present application, Applicants have amended claim 21 to recite a first set of network interface cards comprising a second set and a third set, the second set comprising a network interface card that is capable of offloading one or more connections, the third set comprising one or more network interface cards that are not capable of providing an offload path; and an intermediate driver coupled to the second set and to the third set, the intermediate driver being part of a host computer and supporting teaming over the second set and the third set, the host computer supporting iWARP traffic, wherein fail over and the teaming are only performed by the host computer and/or one or more of the network interface cards.

In order to expedite prosecution of the present application, Applicants have amended claim 26 to recite teaming a plurality of network interface cards using an intermediate driver of a host computer, wherein the teaming is only performed by the host computer and/or the plurality of network interface cards, wherein plurality of network interface cards support remote direct memory access (RDMA) traffic; adapting at least one network interface card of the plurality of network interface cards to provide an offload path; and adapting remaining network interface cards of the plurality of network interface cards not to provide an offload path.

In order to expedite prosecution of the present application, Applicants have amended claim 28 to recite teaming a plurality of network interface cards of a host computer, the plurality of network interface cards not providing an offload path that bypasses a kernel of the host computer; adding an additional network interface card to the host computer, the additional network interface card providing an offload path that bypasses the kernel of the host computer; teaming the plurality of network interface cards and the additional network interface card; and providing layer 2 load balancing over the plurality of network interface cards and the additional

network interface card.

It is respectfully submitted that Craft does not describe each and every element as set forth in claims 21, 26 and 28. Therefore, an anticipation rejection based on Craft cannot be maintained.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claims 21, 22, 24 and 26-32.

Claims 23 and 25 stand rejected under 35 U.S.C. § 103(a) as being obvious over Craft in view of Diamant. Applicants respectfully traverse the rejection for at least the reasons as set forth below.

In view of at least the amendments made with respect to claim 21, it is believed that a *prima facie* case of obviousness has no longer been presented.

It is respectfully requested that the Examiner provide a new *prima facie* case of obviousness, if applicable, in a subsequent Office Action.

It is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 23 and 25.

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is

in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

      The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: <u>June 18, 2008</u>   Respectfully submitted,

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